

## **MINUTES**

The Tennessee State Board of Cosmetology held a meeting on May 5, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, June Huckeby, Muriel Smith, Janet Wormsley, Judy Golden and Pearl Eva Walker. Linda Colley, Vice Chairman, Lee Bowles and Nina Coppinger were not present.

Other present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed everyone and introduced Jerry Biddle, new inspector for Shelby County.

Chairman H. D. Adcock called for roll call.

## **MINUTES**

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to accept the minutes from the April 7, 2008 board meeting. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Penny Burns, CEO and Barbara Thompson - H. D. Adcock & Associates – Memphis, TN – Present. Ms. Burns and Ms. Thompson were present to ask the board to consider another choice of providers for continuing education. This education would only be for H. D. Adcock & Associates schools. The class is called Teach the Teacher. The class has sixteen (16) levels and they are accredited. The school will send in certificates to the board office once the instructors have completed the classes. It was stated that other schools will ask for approval to provide similar classes for continuing education hours.

The board stated that if other schools ask for these classes they will have to come before the board and the board will vote on this on individual basis. Ms. Judy Golden stated that this sounds like a wonderful program.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to accept this program for H. D. Adcock & Associates schools, but request other schools asking for similar programs to offer for continuing education hours come before the board. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

An application for Virginia College School of Cosmetology which was presented to the Board at the April meeting. This school was inspected April 8, 2008 by the Board

Member and Inspector. The school grade was 100 and found to be in compliance with all requirements for opening of a new cosmetology school in Tennessee. Ms. Waller is requesting the Board's vote of approval. Ms. June Huckleby stated this is a very nice school.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to approve the opening of Virginia College School of Cosmetology. Motion carried unanimously.

An application for a new school of cosmetology "Regency Beauty Institute" to be located 5319 Mt. View Road, Antioch, Tennessee was submitted to the board. They have submitted the required surety bond, floor plan showing 6,689 square feet, course outline and 20 applications for enrollment. Fourteen (14) of the applications are cosmetology full time students attending 40 hours per week and six (6) are cosmetology part time students attending 25 hours per week. Date ready for inspection is July 2, 2008. After reviewing the 20 applications for enrollment it was determined 2 applications was for the same student. Also, the school requested waiver from the rule requiring a new school to be closed to the public for 90 days.

The board requested that the school owner come before the board at the next meeting.

An application for a new school of cosmetology "Remington College School of Cosmetology" to be located 441 Donelson Pike, Ste 150, Nashville, Tennessee. They have submitted the required surety bond, floor plan with 5,539 square feet of instruction floor space including 2 enclosed classrooms for theory instruction and 24 completely equipped workstations. Also, submitted are 20 applications for admission and students will be attending 35 hours per week which is full time. Since submitting the application they have notified me the school manager and instructor is Gina Wade and she has a valid Tennessee Cosmetology Instructor license. They have advised me the school will be ready for inspection any date after May 14, 2008.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to send a board member and inspector to inspect the school. Motion carried unanimously.

A proposal from Franklin Academy in Cleveland, Tennessee to offer the aesthetician curriculum and aesthetician instructor curriculum was submitted to the office along with a copy of the school catalogue. They also included the manicurist instructor and shampoo technician which do not require board approval. The Board only needs to vote to have the Board Member and Inspector visit the facility to insure the esthetics department is in compliance.

The board asked that Ms. Waller send a letter to the school requesting the sentence in the school catalogue, in the General Requirements stating "documentation

must be provided to the School prior to enrollment, but no later than 30 days after the start date” be removed.

Ms. Waller stated that at the last board meeting a statement was made that Ms. Debbie Smith told a board member that educational documents are not required anymore. Ms. Waller stated that statement was not true, that we must have the documents. Ms. Waller stated documentation of age and education is required to be submitted with all applications for examinations. Applications for examination cannot be approved unless the information is submitted, and this information should be maintained in all student files from the date of enrollment.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to send a board member and inspector to the school to inspect the esthetics department. Motion carried unanimously.

An application for reciprocity cosmetology license from Janaki Chitra Ashok from India was submitted to the office. She does not hold a valid license issued by another state or the District of Columbia but she attended Syamala Health Club and Beauty Clinic in India in a beautician course from April 15, 1994 to July 30, 1994. A diploma in Herbal Beauty Treatment and Hair Dressing and a letter stating she worked as an instructor in beautician training program in India for a period of October 20, 1997 to December 31, 2000 was presented. A letter enclosed from House of Brows in Franklin, Tennessee, writing on behalf of the applicant, states she has applied for employment as a brow threader with the company.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Ashok take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Aleksejeva Nadezda from Latvia was submitted to the office. Documents translated for education shows 1,176 hours of instruction in the hairdressing and diploma from Educational Centre Riman were provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to require Ms. Nadezda return to school for an additional 324 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Feras Yaser Hdaib from Amman, Jordan was submitted to the office. Documents submitted from International Hair Dressing Art Certificate with a rating of excellent. Letter states he has worked overseas several years at different salons.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to request Mr. Hdaib take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology Instructor license from Deanna Michelle Schaub from Florida was submitted to the office. She currently holds a valid license in the State of Florida and Colorado. Educational hours in the curriculum obtained in Florida are 1,200. Certification from Colorado shows her license as cosmetologist. Hours for instructor are 2,000 at Aveda Institute, Denver. She must have been in an instructor training program because it states she was employed at the school from August 2006 to August 2007. Neither the Florida license nor her certification from Colorado lists her as a cosmetology instructor.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Schaub come before the board at the next meeting. Motion carried unanimously.

A request for Tennessee cosmetology license from Chang Ying Lu who completed beauty school in China with 1,500 hours in a 3 year curriculum was submitted to the office.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to request Ms. Lu take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for reciprocity of aesthetician instructor license from Lesia A. Hook was submitted to the office. Ms. Hook is currently licensed as an aesthetician in Tennessee and she obtained that license by reciprocity from Ohio April 2001 where she was licensed as a Managing Esthetician and Esthetics Instructor. In the state of Ohio to obtain esthetics instructor license, no examination is required only work experience in a salon. She has submitted a 5 year work history to verify she has worked as an aesthetician consultant and health consultant for the last 5 years. She would like to request reciprocity of her instructor license.

MOTION was made Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to grant Ms. Hook reciprocity of her aesthetician instructor license. Motion carried unanimously.

A request for a Tennessee cosmetology license from Zulema Ayala Lamargue from Chihuahua was submitted to the office. Ms. Lamargue submitted a diploma from Alyra Technical School of Beauty and Cosmetology and a letter stating she worked as a teacher at Glamour Institute for 5 years. Ms. Waller sent her a letter requesting documentation of the total number of hours obtained in the cosmetology program and verification of work history in the form of a notarized statement from former employers. The office never received the documentation requested.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Lamargue take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for aesthetician license in Tennessee from Julia Gomez-Martin was submitted to the office. Ms. Gomez-Martin accomplished an apprenticeship program in Spain and a recent refresher period of two and a half years at the Salon 201 Day Spa on Ft. Campbell Military Base where she is currently employed. She is not licensed in Kentucky and working on the base she is not required to be licensed. We have no original documents. She advised Ms. Waller she mailed the original documents and they were lost in the mail.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Gomez-Martin enrolls in school, then take and pass her aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for transfer of hours completed in the aesthetician curriculum in Brazil from Vivianne Bowers was submitted to the office. The total hours from her translated documents are 490.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Bowers to return to school for her remaining hours, then take and pass the aesthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Claudia Ivonne Aleman from El Salvador was submitted to the office. Attached is her diploma from The Institute of Cosmetology Marta Rina stating she completed the course in Title in Tech Cosmetology and having a total of 1,000 hours of studies.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to request Ms. Aleman return to school for her remaining 500 hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request from Thi Lein Nguyen to be permitted to take the manicurist examination in Tennessee was submitted to the office. Mr. Nguyen used a false identification to take the manicurist examination February 12, 1996 at the Memphis test site. This information was presented to the board March 4, 1996 and the board voted he could never be licensed in Tennessee. He requested approval to take the examination and appeared before the Board at the Board's request December 6, 2004. The Board voted to decline his request but advised him he could reappear before the board in (1) year for consideration. He has now sent a request to the board office to be approved to take the manicurist examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to allow Mr. Nguyen to take his manicurist examination. Motion carried unanimously.

A request from Courtney Ledbetter for retention of hours which expired 2006 in the cosmetology curriculum she obtained at Franklin County High School. Ms. Ledbetter's original date of enrollment in the cosmetology curriculum was August 18, 1999. Ms. Ledbetter sent a letter stating as to why she is requesting the board to allow her to retain the hours so she can enroll in a school of cosmetology.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby to allow Ms. Ledbetter to retain her hours and complete her remaining hours within one (1) year, providing the school accepts the hours she has already obtained. Motion carried unanimously.

Phoebe Simmons submitted a request for an extension from the 2007 cosmetology instructor seminar which Ms. Waller presented to the board at the April meeting. She stated she was unable to attend the seminar due to giving birth and financial obligations related to her pregnancy she was unable to afford the class. The Board requested she submit documentation of her pregnancy for consideration. She submitted via email a copy of her son's birth certificate with a date of birth January 19, 2007. Since the seminars were held in the months June, July and August, Ms. Waller questioned her and she stated she was on bed rest before the child was born and was unable to work from October 2006 to March 2007, but submitted no medical statements for support.

MOTION was made by Ms. June Huckleby and seconded by Ms. Judy Golden to request more documentation from Ms. Simmons doctor. Motion carried unanimously.

This application is presented at the request of the applicant, Ms. Waller did advise her the board usually votes on applications for reciprocity where the applicants does not have the required hours in the curriculum nor the recent and consistent (5) year work history. The decision is to have the applicant complete the additional hours and take and pass the state board examination to qualify for license. This application is from Tracy Martin currently license in California as a manicurist with 300 hour of instruction in the manicurist curriculum. Initial date of license according to the certification from California is June 2005 and she states she has been licensed since 1979 but no certification to verify. Does the board agree she will be required to complete 300 hours in the manicurist curriculum in a license school and pass the state board examination to qualify for manicurist license in Tennessee.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckleby requesting Ms. Martin complete her hours, then take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

At the March Board meeting Ms. Waller presented a letter from an instructor expressing concerns that the Instructor examination is referenced from two books which this instructor considers to be confusing because the terminology in the books are

different. As Ms. Waller explained this was a result of during examination review in 2006 the board was advised the book we were currently using for the examination, Milday's Professional Instructor for Cosmetology, Barber-Styling and Nail Technology would no longer be available in print by Milday and we could not reference an examination to a book not available. That is when we were forced to change to Milday's Master Educator with designated chapters. Apparently the demand for the former book was such Milday choose to keep it in print. When test review was held in 2007 we were forced with an issue that some schools had 1 book and some had the other, that was the reason the examination was referenced to both books. Ms. Waller talked with Barbara Thompson who participated in the examination review and is very familiar with both books and she does not consider the terminology to be a major issue. We discussed we do not need to make changes until we have examination review with PSI in 2008. When we have examination review 2008 this will be an issue to address with PSI and subject matter experts. The board did agree that this needs to be discussed at the review in 2008. Ms. Waller will send a letter to the Instructor advising her of the situation.

Consent orders totaled \$5,000.00.

5 Star Nails  
1931 Decherd Blvd  
Decherd, TN 37324

Violation issued January 28, 2008  
Pd \$2,500.00 on 4-07-08

Odyssey Nails  
725 Watkins Road  
Maryville, TN 37801

Violation issued January 25, 2008  
Pd \$1,500.00 on 4-07-08

Square Deal Nail Salon  
128 Public Square  
Lebanon, TN 37087

Violation issued March 11, 2008  
Pd \$1,000.00 on 4-17-08

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to accept the consent orders. Motion carried unanimously.

Ms. Beverly Waller, Executive Director informed the board we will be moving to the Andrew Johnson Building in June and will return to this building after it has been renovated, in about two years.

## **STAFF ATTORNEY REPORT**

### **1. Case No. L-08-COS-RBS-200800988-1**

Notice of Violation issued April 10, 2008 states that an individual was observed providing license-required services while his cosmetology license was expired. The license is now valid.

**Recommendation: Close with a strong letter of warning.**

### **2. Case No. L-08-COS-RBS-200800989-1**

Notice of Violation issued April 8, 2008 reports the following conditions in the salon at inspection time:

- a) tools and implements inadequately cleaned and sanitized
- b) dirty work stations
- c) dirty bathroom
- d) dirty floors
- e) dirty mirrors
- f) trash scattered about the salon
- g) food in the work area space

The inspector reports that this licensee has been given several verbal and written warnings regarding shop sanitation.

System notes for this licensee provide the following history:

*2/2000-dirty shop, paid \$400.00*  
*3/2005-unlicensed operator-letter of warning*  
*5/2006-dirty shop-action not specified*

**Recommendation: Authorize formal hearing with authority to settle by Consent Order with civil penalty of \$7,000.00.**

### **3. Case No. L-08-COS-RBS-200800991-1**

Notice of Violation issued April 3, 2008 reports that an individual was observed providing license-required services and was asked to provide her license. The manager of the shop provided a social security number and license for the individual. The social security number did not match the license, according to the administrative office. The individual could not confirm her identity as a licensee, as she had no picture identification.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.**



**4. Case No. L-08-COS-RBS-200800992-1**

Notice of Violation issued April 9, 2008 reports that an individual was observed providing license-required services while his license was expired. The license had expired on October 31, 2007 and remains delinquent.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of 1,000.00.**

MOTION was made by Ms. Pearl Eva Walker and seconded by Ms. Judy Golden to accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.